REPORT OF THE AUDIT OF THE FAYETTE COUNTY SHERIFF'S SETTLEMENT - 2007 TAXES

For The Period April 27, 2007 Through April 24, 2008



CRIT LUALLEN AUDITOR OF PUBLIC ACCOUNTS

www.auditor.ky.gov

105 SEA HERO ROAD, SUITE 2 FRANKFORT, KY 40601-5404 TELEPHONE 502.573.0050 FACSIMILE 502.573.0067

EXECUTIVE SUMMARY

AUDIT EXAMINATION OF THE FAYETTE COUNTY SHERIFF'S SETTLEMENT - 2007 TAXES

For The Period April 27, 2007 Through April 24, 2008

The Auditor of Public Accounts has completed the audit of the Sheriff's Settlement - 2007 Taxes for Fayette County Sheriff for the period April 27, 2007 through April 24, 2008. We have issued an unqualified opinion on the financial statement taken as a whole. Based upon the audit work performed, the financial statement is presented fairly in all material respects.

Financial Condition:

The Sheriff collected taxes of \$237,865,578 for the districts for 2007 taxes, retaining commissions of \$4,694,606 to operate the Sheriff's office. The Sheriff distributed taxes of \$232,710,727 to the districts for 2007 taxes. A refund of \$1,328 is due to the Sheriff from the State.

Deposits:

The Sheriff's deposits were insured and collateralized by bank securities.

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CRIT LUALLEN AUDITOR OF PUBLIC ACCOUNTS

To the People of Kentucky
Honorable Steven L. Beshear, Governor
Jonathan Miller, Secretary
Finance and Administration Cabinet
Honorable Jim Newberry, Mayor, Lexington-Fayette Urban County Government
Honorable Kathy H. Witt, Fayette County Sheriff
Members of the Lexington-Fayette Urban County Council

Independent Auditor's Report

We have audited the Fayette County Sheriff's Settlement - 2007 Taxes for the period April 27, 2007 through April 24, 2008. This tax settlement is the responsibility of the Fayette County Sheriff. Our responsibility is to express an opinion on this financial statement based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for Sheriff's Tax Settlements issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the Sheriff's office prepares the financial statement on a prescribed basis of accounting that demonstrates compliance with the modified cash basis, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

In our opinion, the accompanying financial statement referred to above presents fairly, in all material respects, the Fayette County Sheriff's taxes charged, credited, and paid for the period April 27, 2007 through April 24, 2008, in conformity with the modified cash basis of accounting.

In accordance with <u>Government Auditing Standards</u>, we have also issued our report dated September 12, 2008 on our consideration of the Sheriff's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to



TELEPHONE 502.573.0050

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provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with <u>Government Auditing Standards</u> and should be considered in assessing the results of our audit.

Respectfully submitted,

Crit Luallen

Auditor of Public Accounts

September 12, 2008

FAYETTE COUNTY KATHY H. WITT, SHERIFF SHERIFF'S SETTLEMENT - 2007 TAXES

For The Period April 27, 2007 Through April 24, 2008

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<u>Charges</u>	County Taxes	Taxing Districts	School Taxes	State Taxes
Real Estate	\$ 16,661,680	\$ 51,676,123	\$ 123,712,971	\$ 25,825,612
Tangible Personal Property	1,568,453	1,559,569	8,582,046	5,223,254
Increases Through Exonerations	1,780	4,918	12,906	16,525
Franchise Taxes	725,368	980,097	4,236,776	10,525
Additional Billings	5,554	17,506	38,339	8,876
Limestone, Sand and	2,23 .	17,000	20,223	3,373
Mineral Reserves	1,213	3,050	9,007	1,880
Penalties	93,043	284,311	685,307	146,846
Adjusted to Sheriff's Receipt	37,364	42,836	277,629	57,514
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Gross Chargeable to Sheriff	19,094,455	54,568,410	137,554,981	31,280,507
Credits				
Exonerations	22,934	87,646	160,028	34,976
Discounts	321,027	927,011	2,321,413	542,997
Delinquents:	321,027	527,011	2,521,115	312,557
Real Estate	915	3,212	6,792	1,418
Tangible Personal Property	17,486	15,998	94,868	36,902
Uncollected Additional Billings	328	1,095	2,401	511
Franchise Taxes	4,007	4,022	24,788	
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Total Credits	366,697	1,038,984	2,610,290	616,804
Taxes Collected	10 777 750	52 520 426	124 044 601	20 662 702
Less: Commissions *	18,727,758 796,217	53,529,426 1,245,447	134,944,691 1,349,447	30,663,703
Less. Commissions	/90,21/	1,243,447	1,349,44/	1,303,495
Taxes Due	17,931,541	52,283,979	133,595,244	29,360,208
Taxes Paid	17,891,569	52,216,572	133,355,955	29,246,631
Refunds (Current and Prior Year)	39,972	67,407	239,289	114,905
Defund Due Sheriff				
Refund Due Sheriff	\$ 0	\$ 0	¢ 0	¢ (1.220)
as of Completion of Audit	\$ 0	\$ 0	\$ 0	\$ (1,328)

* Commissions:

10% on	\$ 10,000
4.25% on	\$ 70,450,802
1% on	\$ 134,944,691
\$350,000 on	\$ 32,460,085

FAYETTE COUNTY NOTES TO FINANCIAL STATEMENT

April 24, 2008

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

The Sheriff's office tax collection duties are limited to acting as an agent for assessed property owners and taxing districts. A fund is used to account for the collection and distribution of taxes. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

B. Basis of Accounting

The financial statement has been prepared on a modified cash basis of accounting. Basis of accounting refers to when charges, credits, and taxes paid are reported in the settlement statement. It relates to the timing of measurements regardless of the measurement focus.

Charges are sources of revenue which are recognized in the tax period in which they become available and measurable. Credits are reductions of revenue which are recognized when there is proper authorization. Taxes paid are uses of revenue which are recognized when distributions are made to the taxing districts and others.

C. Cash and Investments

At the direction of the fiscal court, KRS 66.480 authorizes the Sheriff's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

Note 2. Deposits

The Fayette County Sheriff maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC) as required by KRS 66.480(1)(d). According to KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the Sheriff and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution.

FAYETTE COUNTY NOTES TO FINANCIAL STATEMENT April 24, 2008 (Continued)

Note 2. Deposits (Continued)

Custodial Credit Risk - Deposits

Custodial credit risk is the risk that in the event of a depository institution failure, the Sheriff's deposits may not be returned. The Fayette County Sheriff does not have a deposit policy for custodial credit risk but rather follows the requirements of KRS 41.240(4). As of April 24, 2008 all deposits were covered by FDIC insurance or a properly executed collateral security agreement.

Note 3. Tax Collection Period

The real and personal property tax assessments were levied as of January 1, 2007. Property taxes were billed to finance governmental services for the year ended June 30, 2008. Liens are effective when the tax bills become delinquent. The collection period for these assessments was October 15, 2007 through April 24, 2008.

Note 4. Interest Income

The Fayette County Sheriff earned \$270,901 as interest income on 2007 taxes. The Sheriff was in substantial compliance with her statutory responsibility regarding interest.

Note 5. Sheriff's 10% Add-On Fee

The Fayette County Sheriff collected \$1,096,208 of 10% add-on fees allowed by KRS 134.430(3). This amount was used to operate the Sheriff's office.

Note 6. Advertising Costs And Fees

The Fayette County Sheriff collected \$16,710 of advertising costs and \$16,705 of advertising fees allowed by KRS 424.330(1) and KRS 134.440(2). The Sheriff distributed the advertising costs to the county as required by statute, and the advertising fees were used to operate the Sheriff's office.



REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON
COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL
STATEMENT PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS



CRIT LUALLEN AUDITOR OF PUBLIC ACCOUNTS

The Honorable Jim Newberry, Mayor, Lexington-Fayette Urban County Government Honorable Kathy H. Witt, Fayette County Sheriff Members of the Lexington-Fayette Urban County Council

> Report On Internal Control Over Financial Reporting And On Compliance And Other Matters Based On An Audit Of The Financial Statement Performed In Accordance With Government Auditing Standards

We have audited the Fayette County Sheriff's Settlement - 2007 Taxes for the period April 27, 2007 through April 24, 2008, and have issued our report thereon dated September 12, 2008. The Sheriff prepares her financial statement in accordance with a basis of accounting other than generally accepted accounting principles. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Fayette County Sheriff's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statement, but not for the purpose of expressing an opinion on the effectiveness of the Fayette County Sheriff's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the Sheriff's internal control over financial reporting.

A control deficiency exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects the entity's ability to initiate, authorize, record, process, or report financial data reliably in accordance with the modified cash basis of accounting such that there is more than a remote likelihood that a misstatement of the entity's financial statement that is more than inconsequential will not be prevented or detected by the entity's internal control.

A material weakness is a significant deficiency, or combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the financial statement will not be prevented or detected by the entity's internal control.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in internal control that might be significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses, as defined above.



TELEPHONE 502.573.0050

Report On Internal Control Over Financial Reporting And On Compliance And Other Matters Based On An Audit Of The Financial Statement Performed In Accordance With Government Auditing Standards (Continued)

Compliance And Other Matters

As part of obtaining reasonable assurance about whether the Fayette County Sheriff's Settlement -2007 Taxes for the period April 27, 2007 through April 24, 2008, is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under <u>Government Auditing Standards</u>.

This report is intended solely for the information and use of management, the Lexington-Fayette Urban County Government, and the Department for Local Government and is not intended to be and should not be used by anyone other than these specified parties.

Respectfully submitted,

Crit Luallen

Auditor of Public Accounts

September 12, 2008